
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Rhonda Worrell)	File No.: EB-FIELDSCR-13-00012938
Licensee of AM Station WVCB)	
)	NOV No.: V201432640005
Shallotte, North Carolina)	
)	Facility ID: 31573

NOTICE OF VIOLATION

Released: March 18, 2014

By the Resident Agent, Norfolk Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Rhonda Worrell, licensee of AM Station WVCB in Shallotte, North Carolina. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On December 16, 2013, an agent of the Enforcement Bureau's Norfolk Office monitored the signal of Station WVCB, located at HWY 17, 4640 Main Street, Shallotte, North Carolina and observed the following violation(s):

- a. 47 C.F.R. § 73.99(d)(4): "Postsunset service authorizations (PSSA) permit: Class D stations on regional channels to commence PSSA operation at sunset times specified on their basic instruments of authorization and to continue such operation until two hours past such specified times." At the time of inspection, Station WVCB failed to commence PSSA operation at sunset times specified on their basic instrument of authorization. The station continued to transmit an unmodulated signal at the same power after sunset as before sunset.

3. On December 17, 2013, the agent inspected Station WVCB's main studio and observed the following additional violations. :

- a. 47 C.F.R. § 11.35(a): "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§73.1820 and 73.1840 of this chapter for all broadcast streams and cable system records as specified in §§76.1700, 76.1708, and 76.1711 of this chapter. All other EAS Participants must also keep records indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request.” At the time of inspection, there was no power connected to the EAS equipment, and Ms. Worrell, who also serves as the station manager, stated that the EAS equipment was inoperative. The station also had no EAS log entries indicating why EAS tests had not been received.

- b. 47 C.F.R § 11.61(a): “EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(4) of this section. All tests will conform with the procedures in the EAS Operating Handbook.” At the time of the inspection, Ms. Worrell stated that no EAS tests had been sent or received for over six months or more.
- c. 47 C.F.R § 11.56: “Notwithstanding anything herein to the contrary , all EAS Participants must be able to receive CAP-formatted EAS alerts no later than 180 days after FEMA publishes the technical standards and requirement for such FEMA transmissions.” At the time of inspection, Ms. Worrell admitted that the station was without required Common Alerting Protocol (CAP) capability.
- d. 47 C.F.R. § 73.49: “Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures. Ready access must be provided to each antenna tower base for meter reading and maintenance purposes at all times. However, individual tower fences need not be installed if the towers are contained within a protective property fence.” At the time of the inspection, neither Ms. Worrell nor handyman could provide ready access to the base of the tower. Both the lock to the base fence and the enclosure for the antenna base current meter were so corroded that they were not able to be opened.
- e. 47 C.F.R. § 73.1125(a): “. . . each AM, FM, and TV broadcast station shall maintain a main studio . . .” The Commission has interpreted Section 73.1125 (also known as the Main Studio Rule) to require, among other things, that a licensee maintain a “meaningful management and staff presence” at its main

Federal Communications Commission

studio.³ Specifically, the Commission has found that a main studio “must, at a minimum, maintain full-time managerial and full-time staff personnel.”⁴ On the day of inspection, the main studio was locked and unattended between the regular business hours of 10:00 am and 2:00 pm, and there was no information available for contacting the licensee.

- f. 47 C.F.R. § 73.3541: “(a) The FCC shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee (b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.” John G. Worrell, licensee of Station WVCB, passed away in 2005. His daughter, Rhonda Worrell, inherited his estate. However, as of March 12, 2014, she has not filed FCC Form 316 for an involuntary assignment of the station.
- g. 47 C.F.R § 73.3526(a)(2): “Every permittee or licensee of an AM, FM, TV or Class A TV station in the commercial broadcast service shall maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through (e)(10) and paragraph (e)(13) of this section. In addition, . . . every permittee or licensee of a commercial AM or FM station shall maintain for public inspection a file containing the material, relating to that station, described in paragraphs (e)(12) and (e)(14) of this section. A separate file shall be maintained for each station for which an authorization is outstanding, and the file shall be maintained so long as an authorization to operate the station is outstanding.” In response to a request to inspect the file, Ms. Worrell admitted that Station WVCB did not maintain a public inspection file.

4. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

5. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Ms. Worrell must submit a written statement concerning this matter within

³ *Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026 (1988) (*Main Studio and Program Origination Rules*), *erratum issued*, 3 FCC Rcd 5717 (1988) (correcting language in n.29).

⁴ *See Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 & n.2 (1991) (noting that, “This is not to say that the same staff person and manager must be assigned full-time to the main studio. Rather, there must be management and staff presence on a full-time basis during normal business hours to be considered ‘meaningful.’”), *clarified*, 7 FCC Rcd 6800 (1992) (*Jones Eastern II*).

⁵ 47 U.S.C. § 308(b).

Federal Communications Commission

twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁶

6. In accordance with Section 1.16 of the Rules, we direct Ms. Worrell to support her response to this Notice with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

7. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and marked to the following address:

Federal Communications Commission
Norfolk Office
1457 Mount Pleasant Rd., Suite 113
Chesapeake, Virginia, 23322

⁶ 47 C.F.R. § 1.89(c).

⁷ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

8. This Notice shall be sent to Rhonda Worrell at her address of record. The Privacy Act of 1974⁹ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Luther Bolden
Resident Agent
Norfolk District Office
South Central Region
Enforcement Bureau

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).